

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

**BRUNSON ROBERTS, ADC #127841**

**PLAINTIFF**

**V.**

**NO. 3:20-cv-00391-KGB-ERE**

**DEXTER PAYNE, *et al.***

**DEFENDANTS**

**ORDER**

Pending before the Court is Defendants' motion to belatedly raise the issue of exhaustion in their motion for summary judgment. *Doc. 147*. Defendants explain that undersigned counsel was recently assigned to this case and discovered during a recent deposition that Plaintiff Brunson Roberts had not fully exhausted his administrative remedies regarding his retaliation claim against Defendants Ramsey, Harmon, Baker, Wilson, Morton, and Page. Therefore, they seek to include an argument raising exhaustion in their motion for summary judgment.

For good cause shown,

IT IS HEREBY ORDERED THAT Defendants' motion for leave to belatedly raise the issue of exhaustion (*Doc. 147*) is GRANTED.<sup>1</sup>

Dated this 18th day of July, 2022.

  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> When ruling on Defendants' motion for summary judgment, the Court will address any exhaustion issues *before* addressing the merits of Mr. Roberts' claims.